

AMENDED IN SENATE APRIL 3, 2003

SENATE BILL

No. 981

Introduced by Senators Soto and Romero

February 21, 2003

An act to add Division 29 (commencing with Section 38000) to the Public Resources Code, relating to petroleum pollution, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 981, as amended, Soto. *Children's Health and Petroleum Pollution Cleanup and Prevention Remediation Act of 2003.*

~~Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, administered by the State Air Resources Board, which authorizes grants by air quality management districts and air pollution control districts to offset the incremental cost of projects that reduce the emissions of oxides of nitrogen (NO_x) from onroad trucks, offroad nonrecreational equipment and vehicles, locomotives, diesel marine vessels, stationary agricultural engines, and other high-emitting diesel engines. Existing law requires the state board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of state ambient air quality standards by the earliest practicable date. Existing state board guidelines establish criteria for a lower emission schoolbus program, a replacement and particulate matter retrofit program for diesel schoolbuses in the state that is administered by the state board and implemented in part by the districts. Existing law requires, until January 1, 2007, any district with a population of 1,000,000 residents or greater, in consultation with the state board, to expend not less than 50% of the moneys appropriated~~

~~until January 1, 2007, for the Carl Moyer Air Quality Standards Attainment Program, on programs to fund the purchase of reduced emission schoolbuses, and diesel mitigation programs, in a manner that directly reduces air contaminants or the public health risks associated with air contaminants, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including communities of minority populations or low income populations, or both.~~

(1) Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the state board to compile, and make generally available to the public, emission inventory data from throughout the state.

This bill would enact the Children's Health and Petroleum Pollution Remediation Act of 2003, which would require the operator of every refinery to pay *the equivalent of* a \$0.30 fee for each barrel of crude oil received at a refinery within the state *that is used for the production of gasoline and diesel fuel* to the State Board of Equalization on a monthly basis based on the number of barrels of crude oil received during the previous month.

The bill would establish the *continuously appropriated* Children's Health and Petroleum Pollution Remediation *Trust* Fund in the State Treasury.

The bill would require ~~that a certain percentage of the fees imposed on each barrel of crude oil received, as determined annually by the State Energy Resources Conservation and Development Commission, be imposed on the amount of crude oil refined into transportation fuel, as defined. The bill would require the revenues generated by the imposition of the fees to be deposited in the fund. The bill would require that, of those moneys in the fund, \$0.40 of each dollar deposited in the fund be utilized to fund the Carl Moyer Memorial Air Quality Standards Attainment Program administered by the state board and districts, and \$0.20 of each dollar so deposited be utilized to fund the lower emission schoolbus program administered by the state board. The bill would require \$0.40 of each dollar deposited in the fund to be utilized by~~

~~districts to fund a grant program for the intervention, treatment, and education of sensitive populations suffering from exposure to petroleum-related air pollution, and would authorize districts to establish and administer the program within its jurisdiction. the state board, on January 1 of each year, to provide a breakdown of each district's relative contribution to the state emissions inventory, and would require the Controller, as soon as practicable, but not later than March 1 of each year, to allocate moneys from the fund to each district in proportion to each district's share of the state emission inventory. The bill would prohibit the Controller from transferring less than \$250,000 to a district. The bill would require the moneys allocated to each district from the fund to be expended to fund petroleum pollution source reduction programs and public health remediation programs, to the extent the district determines those revenues relate to the relative harm caused, or are intended to mitigate or prevent the relative harm created, by diesel and gasoline fuel in that district's jurisdiction.~~

The bill would require each district that receives moneys from the fund to develop and adopt at a regularly noticed public hearing, a districtwide petroleum pollution mitigation program comprised of petroleum pollution source reduction and public health remediation programs that it determines will mitigate or prevent the relative harm caused by diesel and gasoline fuel in that district. The bill would require each district to make a determination that a clear nexus exists between the relative public health harm caused by the refining and combustion of gasoline and diesel fuels within its jurisdiction and the pollution source reduction programs and public health programs funded.

The bill would require each district that receives moneys from the fund to establish funding priorities for public health programs and petroleum pollution source reduction projects, and to coordinate with any local, state, and federal agencies, and private organizations concerned with mitigating the public health harm caused by the refining and combustion of gasoline and diesel fuels that it determines appropriate. The bill would impose additional requirements on the Bay Area Air Quality Management District, the Sacramento Metropolitan Air Quality Management District, the San Diego Air Pollution Control District, the San Joaquin Valley Unified Air Pollution Control District, and the South Coast Air Quality Management District relating to the solicitation of public comments and identification of additional funding for district petroleum pollution mitigation programs, and would require



each of those districts to annually review and adopt its petroleum pollution mitigation program.

The bill would require the moneys allocated to each district from the fund to be expended in a manner that directly addresses air pollution or health impacts resulting from the refining and combustion of gasoline and diesel fuel in communities with the most significant exposure to air pollution.

The bill would authorize up to 3% of the moneys allocated to each district to be used for administration and overhead costs.

By requiring each district that receives moneys from the fund to perform specific duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Petroleum products have been shown to cause public health
4 and environmental degradation problems, and these problems
5 have stimulated a movement to address these concerns. The Carl
6 Moyer Memorial Air Quality Standards Attainment Program was
7 established soon after the State Air Resources Board determined
8 that diesel particulate is a cancer-causing toxic air contaminant.
9 The Lower-Emission School Bus Replacement Program was
10 created shortly thereafter.

11 (b) Recent studies indicate that there are 2.5 million people in
12 California with asthma, 500,000 of them children. Asthma is the
13 most common chronic childhood disease, which affects more than
14 one in 20 children, and is the leading cause of school absences and
15 hospital admissions for children in California. Additional studies
16 ~~establish~~ *generally support* a direct correlation between air quality
17 and respiratory health.



1 (c) Some toxic air pollutants found in gasoline *and the exhaust*
2 *from the combustion of petroleum products*, including, but not
3 limited to, benzene and diesel particulate matter, are also known
4 to cause cancer in humans. Studies have linked particulate
5 pollution to lung cancer and at least one investigation found a
6 possible link between brain cancer and air pollution.

7 (d) Combustion of transportation fuel, including, but not
8 limited to, gasoline and diesel, is the major source of ozone
9 precursors and of ~~fine particulate matter throughout the~~
10 *particulate matter throughout the urbanized state*, and particularly
11 in the South Coast Air Basin.

12 (e) To clean up current petroleum-related air pollution and to
13 protect public health, it is necessary to establish a stable funding
14 source dedicated specifically to the purposes of air pollution
15 cleanup and prevention, and the treatment and education of
16 sensitive populations suffering from exposure to
17 petroleum-related pollution.

18 (f) *Air pollution control districts and air quality management*
19 *districts are primarily responsible for reducing the local health*
20 *effects associated with air quality in their respective air basins.*
21 *Districts have experience in identifying and prioritizing*
22 *cost-effective programs aimed at reducing public health risks*
23 *associated with air pollution, and have demonstrated proficiency*
24 *in developing, negotiating, implementing, and monitoring public*
25 *health solutions that take into consideration the localized sources*
26 *of air pollution, the interests and unique vulnerability of sensitive*
27 *populations, the availability of emission-reduction technologies,*
28 *and the specialized resources of health professionals, health care*
29 *facilities, and health risk-reduction programs.*

30 (g) In order to ensure the necessary level of funding and
31 continued operation of these programs, it is necessary to create a
32 sustainable, consistent funding mechanism. A fee per barrel of
33 petroleum refined within the state, imposed at the refinery gate,
34 provides that mechanism.

35 ~~(g)~~

36 (h) The fee per barrel imposed by the act adding this section is
37 proportionate to the harm resulting from petroleum pollution
38 within the state, and is a fair and reasonable means to mitigate the
39 past, present, and future harm to public health and safety resulting
40 from petroleum pollution in the state.

1 ~~(h)~~

2 (i) It is the intent of the Legislature that the fee imposed by the
3 act adding this section not be passed through to consumers.

4 SEC. 2. Division 29 (commencing with Section 38000) is
5 added to the Public Resources Code, to read:

6
7 DIVISION 29. CHILDREN'S HEALTH AND PETROLEUM
8 POLLUTION REMEDIATION ACT OF 2003

9
10 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

11
12 38000. This division shall be known, and may be cited, as the
13 Children's Health and Petroleum Pollution Remediation Act of
14 2003.

15 38001. For purposes of this division, the following terms have
16 the following meanings:

17 ~~(a) "Air pollution and brain cancer research" means any~~
18 ~~research that explores the correlation between brain cancer and~~
19 ~~emissions of air contaminants that can be used to better assess the~~
20 ~~potential for reducing cancer incidence by improving air quality.~~

21 ~~(b) "Asthma research consortium" means any research~~
22 ~~consortium on asthma and outdoor air quality, that utilizes the~~
23 ~~expertise of the University of California and other researchers to~~
24 ~~develop a firmer scientific foundation for public policy on asthma~~
25 ~~prevention.~~

26 ~~(c)~~

27 (a) "Barrel of crude oil" has the same meaning as that term is
28 defined in Section 2241 of Title 18 of the California Code of
29 Regulations.

30 ~~(d) "Childhood asthma initiative" means the joint project of~~
31 ~~the Division of Chronic Disease and Injury Control, the Children's~~
32 ~~Medical Services Branch and the Environmental Health~~
33 ~~Investigations Branch of the State Department of Health Services,~~
34 ~~whose goals are to decrease asthma morbidity and improve the~~
35 ~~quality of life of children up to 5 years old with asthma.~~

36 ~~(e)~~

37 (b) "Crude oil" means petroleum in an unrefined or natural
38 state, including condensate and natural gasoline.

39 ~~(f)~~

1 (c) “Crude oil producer” means any person or entity
2 producing crude oil within the state that does not refine crude oil
3 into a product.

4 ~~(g)~~

5 (d) *“Diesel fuel” means a liquid that is commonly or*
6 *commercially known or sold as fuel that is suitable for use in a*
7 *diesel-powered highway vehicle. A liquid meets this requirement*
8 *if, without further processing or blending, the liquid has practical*
9 *and commercial fitness for use in the engine of a diesel-powered*
10 *highway vehicle.*

11 (e) “District” means any air quality management district or air
12 pollution control district in the state.

13 ~~(h)~~

14 (f) “Fund” means the Children’s Health and Petroleum
15 Pollution Remediation *Trust* Fund established pursuant to Section
16 38050.

17 ~~(i)~~

18 (g) *“Gasoline” means a volatile mixture of hydrocarbons,*
19 *generally containing small amounts of additives, suitable for use*
20 *as a fuel in spark-ignition internal combustion engines.*

21 (h) “Mobile asthma clinic” means a mobile asthma clinic that
22 is used to augment health services for children and seniors with
23 asthma in areas in the state where underserved populations do not
24 have access to adequate transportation, schools, Head-Start
25 Centers, senior centers, and health clinics to provide asthma
26 screening and treatment to low-income and uninsured residents.

27 ~~(j)~~

28 (i) “Petroleum” means any petroleum product, including, but
29 not limited to, petroleum additives.

30 ~~(k)~~

31 (j) “Petroleum additive” includes, but is not limited to,
32 benzene, toluene, ethylbenzene, and xylene.

33 ~~(l)~~

34 (k) “Petroleum contamination” means pollution of the air
35 from any petroleum product, including petroleum additives, or by
36 any action related to the extraction, refinement, transport, storage,
37 sale, combustion, or usage of petroleum.

38 ~~(m)~~

(l) “Refinery” means a facility or location that refines crude oil, including, but not limited to, condensate and natural gasoline, into petroleum products, lubricating oils, coke, or asphalt.

~~(n) “Transportation fuel” means any petroleum-based product used in the propulsion of an internal combustion engine, including, but not limited to, engines required to operate onroad or offroad vehicles, aircraft, marine vessels, and locomotives, and any petroleum-based product used to fuel stationary internal and external combustion engines.~~

CHAPTER 2. CHILDREN’S HEALTH AND PETROLEUM POLLUTION
REMEDATION FUND

38050. (a) The Children’s Health and Petroleum Pollution Remediation Fund is hereby established in the State Treasury. ~~The money in the fund shall be expended for purposes of this division, upon appropriation by the Legislature for that purpose.~~ *Remediation Trust Fund is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, the money deposited in the fund is continuously appropriated to the Controller, without regard to fiscal years, for allocation to districts pursuant to subdivision (b) of Section 38051 for the purposes described in Section 38100.*

(b) Every operator of a refinery shall pay a fee in ~~the amount of an amount equivalent to~~ thirty cents (\$0.30) for each barrel of crude oil received at a refinery within the state *that is used for the production of gasoline and diesel fuel.*

(c) The State Board of Equalization shall administer the fee imposed pursuant to subdivision (b) in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

(d) (1) The fee imposed pursuant to subdivision (b) is due and payable to the State Board of Equalization monthly on or before the 25th day of the calendar month following the monthly period for which the fee is imposed. Each fee payer, on or before the 25th day of the month following each monthly period, shall make out a return for the preceding monthly period, in the form prescribed by the State Board of Equalization.

(2) *Each fee payer shall include with the payment required by this subdivision, information detailing actual fuel production used*

1 *in the calculation of the fee payment, including, but not limited to,*
2 *a breakdown of amounts of diesel and gasoline fuels produced. A*
3 *fee payer may designate any portion of the fuel production*
4 *information as trade secret information and that portion may not*
5 *be released except to the state employees specifically designated*
6 *by the State Board of Equalization, unless the State Board of*
7 *Equalization, after an investigation, determines that the portion is*
8 *not in fact a trade secret. Any state employee having access to the*
9 *trade secret shall maintain its confidentiality. For the purposes of*
10 *this paragraph, the term “trade secret” has the same meaning as*
11 *described in Section 6254.7 of the Government Code.*

12 (e) All fees imposed pursuant to subdivision (b) shall be paid
13 in the form of remittances payable to the State Board of
14 Equalization. The State Board of Equalization shall transmit the
15 payment to the fund *and shall annually notify the Controller of the*
16 *ratio of gasoline to diesel fuels, on an aggregate basis, of the fuels*
17 *produced from crude oil that were subject to the fee imposed by this*
18 *section.*

19 (f) The money deposited to the credit of the fund may be
20 expended for the following purposes:

21 (1) To pay for refunds pursuant to Part 30 (commencing with
22 Section 55001) of Division 2 of the Revenue and Taxation Code.

23 (2) To pay for the administrative costs of the State Board of
24 Equalization of collection, auditing, and making refunds
25 associated with the fund.

26 (3) The balance shall be *allocated and* expended as provided in
27 Section 38051.

28 ~~38051. (a) The moneys in the fund shall be expended as~~
29 ~~follows:~~

30 ~~(1) Forty cents (\$0.40) of each dollar deposited in the fund~~
31 ~~pursuant to this subdivision shall be allocated to the Carl Moyer~~
32 ~~Memorial Air Quality Standards Attainment Trust Fund,~~
33 ~~established pursuant to subdivision (a) of Section 44299 of the~~
34 ~~Health and Safety Code, to fund diesel emissions exposure~~
35 ~~reduction incentive projects and programs through districts as~~
36 ~~described in Section 44280 of the Health and Safety Code.~~

37 ~~(2) Twenty cents (\$0.20) of each dollar deposited in the fund~~
38 ~~pursuant to this subdivision shall be allocated to the State Air~~
39 ~~Resources Board to provide funding to the Lower Emission~~
40 ~~School Bus Program administered by the State Air Resources~~

~~Board, which provides funding to purchase new, lower emitting school buses and to retrofit school buses with particulate trap and emissions reduction technology.~~

~~(3) Forty cents (\$0.40) of each dollar deposited in the fund pursuant to this subdivision shall be allocated to districts for the grant program described in Chapter 3 (commencing with Section 38150), for the intervention, treatment, and education of sensitive populations suffering from exposure to petroleum-related air pollution.~~

~~(b) Not more than 3 percent of each allocation described in paragraphs (1) to (3), inclusive, of subdivision (a) may be used for~~

~~38051. (a) On January 1 of each year, the State Air Resources Board shall provide a breakdown of each district's relative contribution to the state emissions inventory based on the emission data compiled pursuant to Section 44345 of the Health and Safety Code.~~

~~(b) (1) As soon as practicable, but not later than March 1 of each year, the Controller shall allocate moneys from the fund to each district in proportion to each district's share of the state emission inventory provided to the Controller pursuant to subdivision (a).~~

~~(2) The Controller may not transfer less than two hundred fifty thousand dollars (\$250,000) to each district pursuant to this subdivision.~~

~~(3) The Controller shall provide each district, with the allocation of moneys pursuant to paragraph (1), the aggregate ratio of gasoline to diesel fuel used in the calculation of total moneys collected annually pursuant to Section 38050.~~

~~(c) The moneys allocated to each district from the fund pursuant to subdivision (b) shall be expended by the district to fund petroleum pollution source reduction programs pursuant to Section 38100 and public health remediation programs pursuant to Section 38105, to the extent the district determines those revenues relate to the relative harm caused, or are intended to mitigate or prevent the relative harm created, by diesel and gasoline fuel in that district.~~

~~(d) Not more than 3 percent of the allocation described in subdivision (c) may be used for program administration and overhead costs.~~

~~(e)~~

(e) All interest earned on moneys deposited in the fund shall be deposited in the fund.

~~CHAPTER 3. — PETROLEUM POLLUTION EXPOSURE REMEDIATION~~

CHAPTER 3. PETROLEUM POLLUTION MITIGATION PROGRAM AND
EXPENDITURE PLAN PROGRAM

~~38150.—~~

38100. (a) Each district that receives moneys pursuant to Section 38051 shall develop and adopt at a regularly noticed public hearing, a districtwide petroleum pollution mitigation program that it determines will mitigate or prevent the relative harm caused by diesel and gasoline fuel in that district. The program shall incorporate pollution source reduction programs, including, but not limited to, programs authorized pursuant to Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code, and public health programs pursuant to Section 38105, that the district determines have a clear nexus with the relative public health harm caused by the refining and combustion of gasoline and diesel fuels within the jurisdiction of the district.

(b) Each district shall establish funding priorities for pollution source reduction projects by considering all of the following factors:

(1) The cost-effectiveness of the project.

(2) The use of new pollution control technologies in conjunction with traditional fuels as a means of reducing emissions of air contaminants.

(3) Potential effects of public health, ambient air quality.

(4) Any other factors determined to be relevant by the district.

(c) Each district shall establish funding priorities for public health programs pursuant to Section 38105.

(d) Each district shall coordinate with any local, state, and federal agency, and any private organization concerned with mitigating the public health harm caused by the refining and combustion of gasoline and diesel fuels that it determines appropriate.

38101. In addition to the requirements imposed on districts by Section 38100, the Bay Area Air Quality Management District, the

1 *Sacramento Metropolitan Air Quality Management District, the*
2 *San Diego Air Pollution Control District, the San Joaquin Valley*
3 *Unified Air Pollution Control District, and the South Coast Air*
4 *Quality Management District shall also do all of the following:*

5 *(a) Prior to adopting a petroleum pollution mitigation program*
6 *or expending any moneys for the program, do both of the*
7 *following:*

8 *(1) Adopt an expenditure plan describing any proposed*
9 *program or project expenditure, including the expected costs, and*
10 *the qualitative and quantitative benefit of each project to be*
11 *funded.*

12 *(2) Make a determination that each program or project to be*
13 *funded will not duplicate any other past or present program or*
14 *project funded by the State Air Resources Board, the State*
15 *Department of Health Services, or the State Energy Resources*
16 *Conservation and Development Commission. This paragraph is*
17 *not intended, and may not be interpreted, to prevent funding for*
18 *program or projects that are jointly funded with another public or*
19 *private agency where the district determines there is no*
20 *duplication.*

21 *(b) Hold at least one public workshop to solicit public comment*
22 *on, and annually review and adopt, the district petroleum pollution*
23 *mitigation program, and provide the public and any interested*
24 *party at last 30 days notice prior to the annual public hearing.*

25 *(c) Identify potential sources of matching funds, including, but*
26 *not limited to, any of the following:*

27 *(1) State moneys.*

28 *(2) Federal moneys.*

29 *(3) Private moneys.*

30 *(4) Revenues from district permit, variance, and emission fees.*

31 *(5) Proceeds from settlements and judgments derived from*
32 *penalties imposed by the district.*

33 *(6) Moneys from other sources within the jurisdiction of the*
34 *district.*

35 *(d) Establish an advisory group to advise the district board on*
36 *the programs and projects to be funded.*

37 *(e) On or before March 31 of each year that a district petroleum*
38 *pollution mitigation program is adopted in the district, prepare*
39 *and make available to the public a report that includes all of the*
40 *following information:*

(1) A description of the programs and project funded in the petroleum pollution mitigation program, including, but not limited to, a list of recipients, funding contributors, matching funds, and the expected or actual results from each program or project.

(2) An analysis of the overall impact of the district's petroleum pollution mitigation program on public health within its jurisdiction.

(3) A summary of the actual progress made toward the goals of the petroleum pollution mitigation program.

(4) Identification of funding priorities for the following fiscal year.

38105. (a) The purpose of this chapter section is to establish a competitive grant program for the intervention, treatment, prevention, and education of sensitive populations suffering from exposure to petroleum-related air pollution.

(b) Each district may establish and administer an air quality grant program to provide grants to organizations that it determines provide respiratory and health services to children and other sensitive populations for unhealthful conditions caused by exposure to air pollution from crude oil refining and vehicular emissions. Each district shall consult with the State Department of Health Services and the State Air Resources Board regarding the development and administration of the grant program.

(c) Each participating district shall determine the parties, projects, and costs eligible for grants through a competitive grant solicitation process. A district may provide a grant to any eligible organization for any project or program that the district determines has a clear nexus with the relative public health harm caused by the refining and combustion of gasoline and diesel fuels within the jurisdiction of the district.

(d) Organizations eligible to receive a grant pursuant to this section include, but are not limited to, all of the following:

~~(1) Organizations that provide respiratory health services to children and other sensitive populations.~~

~~(2) Mobile asthma clinics.~~

~~(3) The Childhood Asthma Initiative.~~

~~(4) The Asthma Research Consortium.~~

~~(5) Any air pollution and brain cancer research organization.~~

~~(6)–, to the extent that the district determines that each organization provides health services to children and other sensitive populations for unhealthful conditions created by exposure to air pollution caused by the relative refining and combustion of gasoline and diesel fuel:~~

~~(1) Organizations dedicated to the prevention of the health consequences.~~

~~(2) Organizations dedicated to the treatment, prevention, or education of the impacts of air pollution on the health and welfare of affected communities.~~

~~(3) Mobile asthma clinics.~~

~~(4) Organizations dedicated to the treatment or prevention of asthma in children and other sensitive populations.~~

~~(5) Organizations dedicated to asthma research.~~

~~(6) Organizations engaged in researching the link between air pollution and cancer-related health impacts.~~

~~(7) Any organization that researches the health effects of air pollution from crude oil refining and vehicular emissions.~~

~~(e) Funds allocated pursuant to paragraph (3) of subdivision (a) of Section 38051 shall be allocated to districts for the purposes of this chapter on the basis of the population served.~~

~~(f)~~

~~(e) Each participating district that administers a grant program pursuant to this section shall establish an advisory committee made up of stakeholders to review the program implementation, with special emphasis on areas with environmental justice concerns, and provide a report to the Legislature reviewing the implementation of the program not later than 24 months after the date the program is established.~~

~~(g) If a district determines that it is not feasible for it to establish and administer a grant program, any county health agency within the jurisdiction of that district may establish and administer a program consistent with this chapter within the jurisdiction of the county health agency.~~

CHAPTER 4. AIR POLLUTION PREVENTION

~~38160. The moneys allocated to each project funded pursuant to Sections 38051 and 38150 shall be expended in a manner that directly addresses air pollution in communities that are severely~~

1 impacted by air pollution, consistent with subdivisions (a) and (b)
2 of Section 43023.5 of the Health and Safety Code.

3 ~~38161. The parties, projects, and costs eligible for the moneys~~
4 ~~allocated to the Carl Moyer Memorial Air Quality Standards~~
5 ~~Attainment Trust Fund pursuant to paragraph (1) of subdivision~~
6 ~~(a) of Section 38051 are the same as those described in Chapter 9~~
7 ~~(commencing with Section 44275) of Part 5 of Division 26 of the~~
8 ~~Health and Safety Code.~~

9 ~~38162. The parties, projects, and costs eligible for funds~~
10 ~~allocated to the Lower Emission School Bus Program pursuant to~~
11 ~~paragraph (2) of subdivision (a) of Section 38051 are those that the~~
12 ~~State Air Resources Board has defined as eligible for that~~
13 ~~program. made up of stakeholders to review and comment on~~
14 ~~implementation of the program. The advisory committee may also~~
15 ~~recommend criteria for the awarding of grants, including~~
16 ~~qualifications of grant applicants, eligibility of programs and~~
17 ~~projects submitted for funding, overall goals of the program, and~~
18 ~~funding priorities.~~

19 *38110. The moneys allocated to each district pursuant to*
20 *Section 38051 shall be expended in a manner that directly*
21 *addresses air pollution or health impacts resulting from the*
22 *refining and combustion of gasoline and diesel fuel in communities*
23 *with the most significant exposure to air pollution, consistent with*
24 *subdivisions (a) and (b) of Section 43023.5 of the Health and*
25 *Safety Code.*

26 *SEC. 3. No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution because*
28 *a local agency or school district has the authority to levy service*
29 *charges, fees, or assessments sufficient to pay for the program or*
30 *level of service mandated by this act, within the meaning of Section*
31 *17556 of the Government Code.*